



13 MAY 2004

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John Olivio  
Armstrong World Industries Inc.  
2500 Columbia Avenue  
Lancaster, PA 17604-3001

In re Application of :  
STACKENWALT et al. :  
U.S. Application No.: 10/774,233 : DECISION ON PETITION  
Filing Date: 05 February 2004 : UNDER 37 CFR 1.137(b)  
Attorney Docket No.: 0212 :  
For: CLIPPED DECORATIVE STRUCTURE :

This is a decision on applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally under CFR 1.137(b)" filed 05 February 2004 in the above-captioned application. The petition fee under 37 CFR 1.17(m) has been paid.

### **BACKGROUND**

On 19 July 2002, applicant filed international application PCT/US02/22945 which claimed priority of an earlier application filed 19 July 2001. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 19 January 2004.

On 05 February 2004, applicant filed the present petition to revive pursuant to 37 CFR 1.137(b) accompanied by a continuation application.

### **DISCUSSION**

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has supplied the proper reply in the form of the filing of a continuation application.

As to item (2), the petition fee has been submitted.

With regard to Item (3), applicant's statement that "entire delay in filing the 35 U.S.C. 371(c) requirement from their due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

**CONCLUSION**

Applicant's petition to revive for the purposes of continuity only is **GRANTED**.

International application PCT/US02/22945 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned.

This application is being returned to the Office of Initial Patent Examination (OIPE) for processing as an application filed under 35 U.S.C. 111(a).



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02-06-04

#12

DT04 Rec'd PCT/PTO 05 FEB 2004  
10/106412

PTO/SB/64/PCT (06-03)

Approved for use 12/31/2003. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number  
(Optional)

0212

First Named Inventor: Stackenwält et al.

International (PCT) Application No.: PCT/US02/22945

U.S. Application No.:  
(if known)

Filed: July 19, 2002

Title: Clipped Decorative Structure

Attention: PCT Legal Staff

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(g) or 1.495(h).

02/12/2004 LLANDGRA 00000035 PCT/US02/22945

02 FEB 2004

~~1330.00 GP~~**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☐ Small entity- fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))**2. Proper reply****A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of  
Utility Application** (identify type of reply):☐ has been filed previously on \_\_\_\_\_

02/14/2004 GREY1 00000111 10774233

02 FEB 2004

1330.00 GP

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

February 5, 2004

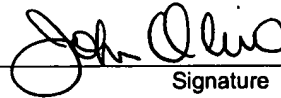
Date

(717) 396-2629

Telephone Number

51,004

Registration Number, if applicable



Signature

John M. Olivo

Typed or Printed Name

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Address

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Address

Enclosures: ☐ Response

☒ Fee Payment

☒ Terminal Disclaimer

☒ Utility Application

**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
0212

In Re Application Of: Stackenwalt et al.

**10/486442**

Serial No.  
PCT/US02/22945

Filing Date  
July 19, 2002

Examiner

Group Art Unit

Title: Clipped Decorative Structure

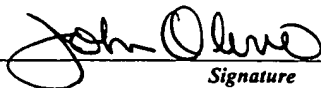
TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Petition for Revival**  
**Specification and Claims (16 pages)**  
**Formal Drawings (13 sheets)**  
**Certificate of Express Mail**  
**Check \$2,190.00 (\$1,330.00 Revival Fee plus \$860.00 Utility Application Fee)**

in the above identified application.

- ☐ No additional fee is required.  
☒ A check in the amount of **\$2,190.00** is attached.  
☒ The Director is hereby authorized to charge and credit Deposit Account No. **012400**  
as described below.
- ☐ Charge the amount of  
☒ Credit any overpayment.  
☒ Charge any additional fee required.

  
Signature

Dated: February 5, 2004

John M. Olivo  
Reg. No. 51,004

I certify that this document and fee is being deposited  
on 2/5/04 with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450.



Signature of Person Mailing Correspondence

April D. Fiedler

Typed or Printed Name of Person Mailing Correspondence

cc: